

**REMARKS**

The Office Action dated June 16, 2004, has been received and carefully considered. Claims 1-21 are pending in the present patent application. Reconsideration of the restriction requirement of claims 1-21 is respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner asserts that the present application contains claims directed to two patentably distinct inventions: claims 1-13 drawn to a method for delivering content over a network having at least one requesting endpoint and at least one node; and claims 14-21 drawn to an information transfer system. The Examiner goes on to assert that because these inventions are distinct, restriction for examination purposes is proper.

The Applicant hereby respectfully traverses this election/restriction requirement, and hereby requests that the Examiner reconsider and withdraw this election/restriction requirement. As required, however, the Applicant provisionally elects claims 1-13 for prosecution in the event that this election/restriction requirement is made final.

Under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are distinct if two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed. It is respectfully submitted that there is a disclosed relationship between the subjects disclosed in claims 1-13 and claims 14-21. That is, as acknowledged by the Examiner, claims 1-13 are directed to a method for delivering content over a network. Similarly, claims 14-21 are directed to a method for transferring content over a network. Indeed, claims 1 and 14 both include delivering/transferring content to a requesting endpoint/node. Thus, it is respectfully submitted that the subjects disclosed in claims 1-13 and claims 14-21 are related and are not independent from each other. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: 

Thomas E. Anderson  
Registration No. 37,063

TEA/vrp

Hunton & Williams LLP  
1900 K Street, N.W.  
Washington, D.C. 20006-1109  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201

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